

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1951

LORETTA STARVUS STACK, AL RICHMOND,
PHILIP MARSHALL CONNELLY, DOROTHY
ROSENBLUM HEALEY, ERNEST OTTO FOX,
WILLIAM SCHNEIDERMAN, CARL RUDE
LAMBERT, HENRY STEINBERG, OLETA
O'CONNOR YATES, ROSE CHERNIN
KUSNITZ, MARY BERNADETTE DOYLE,
and ALBERT JASON LIMA,

Petitioners,

vs.

JAMES J. BOYLE, United States
Marshal,

Respondent.

PETITION FOR BAIL
PENDING APPLICATION FOR
WRIT OF CERTIORARI
TO UNITED STATES SUPREME COURT

TO THE HONORABLE WILLIAM O. DOUGLAS, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES:

LORETTA STARVUS STACK, AL RICHMOND, PHILIP MARSHALL CONNELLY
DOROTHY ROSENBLUM HEALEY, ERNEST OTTO FOX, WILLIAM SCHNEIDERMAN
CARL RUDE LAMBERT, HENRY STEINBERG, OLETA O'CONNOR YATES, ROSE
CHERNIN KUSNITZ, MARY BERNADETTE DOYLE and ALBERT JASON LIMA, the
petitioners above named hereby petition this honorable Court for an
order directing their release from the custody of the respondent
upon bail in such reasonable sum as may be determined by this Court
pending an application for writ of certiorari to the United States
Supreme Court from a determination of the Court of Appeals for the
Ninth Circuit affirming an order of the District Court denying pe-
titions for writs of habeas corpus filed by petitioners herein, and
final determination thereon; and in support thereof, your
petitioners allege as follows:

I

On July 25, 1951, Howard V. Calverley, a United States
Commissioner in the Southern District of California, issued

1 separate warrants for the arrests of petitioners pursuant to com-
2 plaints signed by agents of the Federal Bureau of Investigation
3 charging each of the petitioners with conspiracy to commit offenses
4 against the United States prohibited by Section 2 of the Smith Act,
5 54 Stat. 671; 18 U.S.C. Sections 371, 2385.

6 II

7 Early on the morning of July 26, 1951, the F.B.I. agents
8 proceeded to arrest petitioners. Seven were arrested in San Fran-
9 cisco. Their names are Albert Jason Lima, Oleta O'Connor Yates,
10 Carl Rude Lambert, Al Richmond, Ernest Otto Fox, Loretta Starvus
11 Stack and Mary Bernadette Doyle. Four were arrested in Los Angeles
12 on the same day; their names are Dorothy Rosenblum Healey, Philip
13 Marshall Connelly, Rose Chernin Kusnitz and Henry Steinberg. One
14 was arrested in New York; his name is William Schneiderman.

15 III

16 In Los Angeles the persons arrested were arraigned before
17 the United States Commissioner on July 26, 1951. The United States
18 Attorney informed the Commissioner that a grand jury would be
19 convened on August 1, 1951 and that it would take some time for the
20 said grand jury to consider the evidence. His estimate was at first
21 three weeks, later reduced to two. At the Government's request,
22 bail was fixed by the Commissioner in the sum of \$75,000 for each
23 person pending the preliminary examination set for August 9, 1951.
24 Since none of the persons arrested in Los Angeles were financially
25 able to furnish the bail fixed by the Commissioner, each was con-
26 fined in the County Jail of the County of Los Angeles in the
27 custody of the United States Marshal, the respondent herein.

28 IV

29 In San Francisco, the seven persons arrested were brought
30 on July 26, 1951 before a United States Commissioner in the Northern
31 District of California. The Government requested that bail be
32 denied. This the Commissioner declined to do. The Government then

1 requested bail in the sum of \$75,000 for each person. The
2 Commissioner acceded to that request except in the cases of Mary
3 Bernadette Doyle and Loretta Starvus Stack where bail was fixed in
4 the sum of \$2,500, and in the case of Oleta O'Connor Yates, at
5 \$7,500. The last three persons furnished bail and were released
6 from custody. The others were unable to furnish bail and were
7 confined in the County Jail of the City and County of San Francisco
8 in the custody of the acting United States Marshal for the Northern
9 District of California.

10 V

11 On the next day, July 27, 1951, the persons in San Francisco
12 who were in custody with bail fixed at \$75,000 moved in the United
13 States District Court for the Northern District of California for
14 a reduction in bail; at the same time, the United States Attorney
15 moved in the same Court for an increase in bail for the three
16 persons who had been released on bail in accordance with the order
17 of the United States Commissioner. These motions came on for
18 hearing before the Honorable Louis E. Goodman, a Judge of the
19 United States District Court for the Northern District of California.
20 The said District Judge, ruling that the narrow question before
21 him was the amount of bail which should be fixed pending removal
22 of the arrested persons to the Southern District of California where
23 the complaints had originally issued, fixed bail in the sum of
24 \$50,000 for the seven individuals. As a result, the three persons
25 who had originally been released were confined along with the four
26 others in the County Jail in the custody of the acting United
27 States Marshal.

28 VI

29 On July 28, 1951, each of these seven individuals filed a
30 petition for writ of habeas corpus to the said Honorable Louis E.
31 Goodman maintaining that they were illegally confined and praying
32 for their release on reasonable bail. The said petitions were

1 denied on July 28, 1951, the District Court adhering to its
2 ruling of the previous day.

3 VII.

4 In New York, William Schneiderman was held in \$100,000
5 bail by the United States Commissioner pending removal proceedings,
6 which bail was later reduced on August 7, 1951, by Honorable
7 Edward J. Dimock, a Judge of the United States District Court for
8 the Southern District of New York to \$50,000.

9 VIII

10 In Los Angeles, on July 27, 1951, petitions for writs of
11 habeas corpus for the four persons there arrested were filed in
12 the United States District Court for the Southern District of
13 California, Central Division. Orders to show cause why the peti-
14 tions should not be granted were issued by the Honorable Leon R.
15 Yankwich, a Judge of the said District Court, and made returnable
16 on July 31, 1951 at 10 A.M.

17 IX.

18 When counsel for the four petitioners appeared in the
19 courtroom of the aforesaid District Judge on July 31, 1951 at
20 10 A.M., the Court was informed by the United States Attorney that
21 an indictment had been returned by the grand jury that morning
22 charging the twelve persons above named with conspiracy to violate
23 Section 2 of the Smith Act, 54 Stat. 671; 18 U.S.C. sections 371,
24 2385. In view of the return of the indictment on July 31, the
25 said Honorable Leon R. Yankwich was compelled to hold that the
26 habeas corpus proceedings had become moot and the orders to show
27 cause why the petitions for writs of habeas corpus should not be
28 granted were thereupon discharged.

29 X

30 On the said July 31, 1951, and immediately after the
31 aforementioned proceedings were terminated, the four Los Angeles
32 petitioners were brought before the Honorable James M. Carter, a

1 Judge of the United States District Court for the Southern District
2 of California, Central Division, before whom the indictment had
3 been returned. At the outset, an oral motion was made to dis-
4 qualify the said Judge upon the grounds of personal bias and preju-
5 dice against the said petitioners and in favor of the adverse
6 party. The said oral motion was denied and petitioners advised the
7 Court that they would file a formal affidavit of bias and prejudice.
8 Thereupon, the Court announced that it was fixing bail in an amount
9 recommended by the grand jury. A notation upon a copy of the in-
10 dictment indicated the sum of \$75,000 next to the names of all de-
11 fendants except the defendant William Schneiderman, where the nota-
12 tion was \$100,000. These notations were unsigned.

13 XI

14 On August 1, 1951, the seven petitioners in San Francisco
15 were removed from the County Jail therein and brought to the
16 County of Los Angeles and confined in the County Jail of the County
17 of Los Angeles together with the four Los Angeles petitioners, all
18 in the custody of the United States Marshal, the respondent herein.
19 On the next day, August 2, 1951, the seven were brought before the
20 said Judge James M. Carter and arraigned. At the time of the
21 arraignment, no reference was made to bail and all the said peti-
22 tioners continued confined in the County Jail.

23 XII

24 On August 6, 1951, all of the petitioners except William
25 Schneiderman moved in the United States District Court to fix
26 bail in a reasonable sum or if bail had been fixed in the sum of
27 \$75,000 as aforesaid, then for a reduction of this excessive bail
28 to a reasonable amount. Under the rules of the Court this motion
29 was required to come before the said Judge James M. Carter.

30 XIII

31 Before the argument on the motion to fix or reduce bail
32 commenced, the aforesaid petitioners except William Schneiderman

1 jointly filed an affidavit of personal bias and prejudice pursuant
2 to the provisions of 28 U.S.C. Section 144, and requested the said
3 Judge James M. Carter to disqualify himself and to proceed no
4 further with respect to the bail proceedings. The said Judge on
5 August 7, 1951 declined to disqualify himself and held the affidavit
6 of bias and prejudice legally insufficient.

7 XIV

8 In the case of one of the petitioners, Philip Marshall
9 Connelly, a request was thereupon made that the Court stay its
10 ruling on the motion to fix or reduce bail until the question of
11 the Court's disqualification could be tested by appropriate appellate
12 proceedings. This request was granted and the Court took the said
13 Connelly motion under submission but withheld a ruling pending de-
14 termination by the Court of Appeals for the Ninth Circuit.

15 XV

16 In the case of the other petitioners except William
17 Schneiderman, the motion to fix or reduce bail was thereupon argued
18 before the said Judge James M. Carter and on August 8, 1951, the
19 said Judge James M. Carter fixed bail for all the said petitioners
20 in the sum of \$50,000 except the petitioners Oleta O'Connor Yates
21 and Loretta Starvus Stack where bail was fixed in the sum of
22 \$25,000. Since all of the petitioners were wholly unable to furnish
23 bail in the amounts fixed as aforesaid, they remained confined in
24 the County Jail of Los Angeles in the custody of the respondent.

25 XVI

26 On August 13, 1951, the aforesaid petitioners filed
27 separate petitions for writs of habeas corpus claiming that they
28 were illegally detained because the bail fixed by the said Judge
29 James M. Carter was excessive and praying for their release on
30 reasonable bail. The writs were issued and made returnable before
31 Honorable William C. Mathes, a Judge of the United States District
32 Court for the Southern District of California, on August 15, 1951,

1 and after hearing, the said Judge Mathes by orders dated August 17,
2 1951, dismissed the aforesaid petitions and discharged the writs.
3 Notices of Appeal from the aforesaid orders were filed on August
4 18, 1951.

5 XVII

6 In New York, the petitioner, William Schneiderman, who had
7 not contested the removal proceeding, was on August 14, 1951 removed
8 from New York to Los Angeles where he arrived on August 17, 1951.
9 The said petitioner was on that day arraigned before Judge James M.
10 Carter, and remanded to the custody of the respondent herein. No
11 reference was made to bail at the time of arraignment.

12 XVIII

13 On August 24, 1951, the Court of Appeals for the Ninth
14 Circuit rendered its decision on the application of the petitioner
15 Philip Marshall Connelly, to disqualify the aforesaid Judge James
16 M. Carter and held that the aforesaid affidavit of bias and preju-
17 dice was legally sufficient and ordered the said Judge to proceed
18 no further respecting the said petitioner's bail proceedings or in
19 connection with his prosecution under the indictment. Connelly
20 v. The United States District Court, etc., No. 13,053, August 24,
21 1951. A copy of the opinion will be submitted to the Court on the
22 filing of this petition.

23 XIX

24 In view of the decision of the Court of Appeals for the
25 Ninth Circuit on the sufficiency of the joint affidavit of bias and
26 prejudice, a serious question was created as to the power or juris-
27 diction originally of the said Judge James M. Carter to fix or re-
28 duce bail for the other petitioners herein who jointly signed the
29 affidavit of bias and prejudice. In order to remove this question
30 from the bail proceedings on appeal the petitioners decided to
31 withdraw their appeals. On August 27, 1951, counsel for the
32 respective parties stipulated in writing to dismiss the appeals.

1 The said stipulation was filed with the Clerk of the Court of
2 Appeals for the Ninth Circuit in accordance with Rule 16 of the
3 said Court, and thereafter, upon the said stipulation, the mandates
4 of the Court issued dismissing the appeals.

5 XX

6 Thereupon, and on August 29, 1951, all of the petitioners
7 herein were brought before Judge James M. Carter and the said Judge
8 formally disqualified himself from any further proceedings in the
9 cause. On the same day, the Chief Judge of the District Court,
10 Honorable Paul J. McCormick, assigned the cause to the aforesaid
11 Honorable William C. Mathes.

12 XXI

13 On August 29, 1951, all of the petitioners appeared before
14 the Honorable William C. Mathes. In view of the disqualification
15 of the aforesaid Judge James M. Carter, Judge Mathes ruled that he
16 would entertain a renewal of the motion to fix or reduce bail on
17 behalf of all the petitioners except petitioners Connelly and
18 Schneiderman, and as to the said two petitioners, would hear the
19 aforesaid motion in the first instance on their behalf.

20 XXII

21 After hearing, and on August 30, 1951, the said Judge
22 William C. Mathes fixed bail for each of the petitioners in the
23 amount of \$50,000.

24 XXIII

25 On September 4, 1951, each of the petitioners filed their
26 petitions for writs of habeas corpus claiming that their detention
27 was illegal and arbitrary; that the bail fixed was so excessive and
28 so unreasonable as to constitute a denial of their right to bail
29 under the Constitution and laws of the United States; and a
30 deprivation of their right to properly defend themselves against
31 the charges laid in the indictment in accordance with due process
32 of law.

XXIV

After return and hearing held on September 6, 1951, before the Honorable Ben Harrison, a Judge of the United States District Court for the Southern District of California, the said petitions, treated as a joint petition upon the stipulation of the respective parties, were denied on September 12, 1951 and the orders to show cause why the petitions should not be granted discharged.

XXV

On September 12, 1951, the petitioners appealed to the Court of Appeals for the Ninth Circuit from the order denying their petitions for writs of habeas corpus and discharging the aforesaid orders to show cause, and said appeal came on for argument before the said Court on September 20, 1951, and the said order of the District Court was thereafter affirmed by the said Court of Appeals for the Ninth Circuit by a divided Court. A copy of the opinion of the said Court will be submitted to this Court with the petition herein.

XXVI

The transcripts of the records on appeal before the Court of Appeals for the Ninth Circuit for each of the petitioners herein (identical except as to variations resulting from the statements made concerning their individual backgrounds) will be submitted to this Court with the petition herein. The said transcripts of the records on appeal (named hereafter as "The Transcripts") will be referred to in the petition herein and are incorporated in this petition by reference and made a part hereof as if fully set forth at length. The transcripts show that only questions of law are involved in these proceedings; there have been no controverted issues of fact. The principal basis for the rulings of the lower courts herein was the failure of four persons to appear in the Southern District of New York after their judgments of conviction were affirmed by this Court in Dennis, et al v. United States, although these petitioners in Los Angeles have not been shown to have any connection, directly or indirectly, with the aforesaid persons.

XXVII

The petitioners have resided in California for 30 years (Healey); 9 years (Stack); 44 years (Lima); 37 years (Kusnitz); 21 years (Lambert); 15 years (Steinberg); 41 years (Yates); 6 years (Fox); 46 years (Doyle); 13 years (Richmond); 39 years (Connelly); 16 years (Schneiderman). A more detailed statement relative to the residences of petitioners is contained in their individual petitions set forth in the Transcripts.

XXVIII

All of the petitioners are citizens of the United States except petitioner Fox who was brought to this country at the age of four and has been for the past fifteen years married to a citizen of the United States.

XXIX

The family relationships of petitioners are as follows:

Healey -- married, son, age 8, mother, age 66, one brother and two sisters; Stack -- married, son, age 8 and daughter, age 3, elder child chronically ill; Lima -- married, three children, ages 8, 2 and 2 months; Kusnitz -- married, daughter, age 11; Lambert -- married; Steinberg -- married, four daughters, ages 4, 9, 9, 11, mother, age 65 and one sister; Yates -- married; Fox -- married; Doyle -- unmarried; Richmond -- married, two minor children; Connelly -- married, daughter; Schneiderman -- married, daughter, age 7.

XXX

The financial ability of the petitioners is as follows:

Healey -- \$50 per week, husband a co-defendant, no assets except automobile; Stack -- between \$40 and \$45 per week; husband \$60 to \$65 per week, no assets except small commercial bank account and automobile; Lima -- \$60 per week, no assets except automobile; Kusnitz -- \$30 per week and \$25 expenses, husband approximately \$550 per month, own home, paid \$12,000, mortgage about \$8,000,

1 about \$500 in bank; Lambert -- \$50 per week, wife \$40 per week,
2 no other assets except lot worth \$750; Steinberg -- \$58.50 per
3 week, no assets except home and automobile; Yates -- \$40 per week
4 owns home, purchase price \$4,000, no other assets except automobi
5 and \$500 in bank; Fox -- \$40 per week, wife, \$60 to \$65 per week,
6 Doyle -- \$47 per week, no other assets; Richmond -- \$50 per week,
7 purchasing home he lives in; Connelly -- \$50 per week, no other
8 assets; Schneiderman -- \$50 per week and expenses, no other asset

9 XXXI

10 The character of the petitioners is reflected in the
11 following: Six of the petitioners (Richmond, Doyle, Yates, Lambe
12 Kusnitz and Stack) have no previous criminal record of any kind.
13 There is a deportation proceeding pending against Fox. Steinberg
14 was charged with civil and criminal contempt in 1948 and convicted
15 but his conviction was reversed by the Court of Appeals for the
16 Ninth Circuit. He also was charged with violation of a County
17 Registration Ordinance, but upon motion to dismiss the complaint
18 against him, the Ordinance was held unconstitutional and he was
19 released. Lima was arrested once in 1935 for picketing activities
20 but his trial resulted in a jury disagreement and the charges were
21 dismissed on motion of the prosecutor. Healey was arrested for
22 picketing activities in 1934. Her conviction for civil and criminal
23 contempt, in 1949 as in the case of Steinberg, was reversed by the
24 Court of Appeals for the Ninth Circuit. Petitioners Lambert,
25 Richmond, Lima and Steinberg served in the military forces of the
26 United States during World War I or World War II and all have
27 honorable discharges from the armed services. Petitioners Yates,
28 Doyle, Healey and Steinberg have either held public office in the
29 State of California or been candidates for public office in the
30 State. A more detailed statement relative to the character of
31 petitioners is contained in their individual petitions set forth
32 in the Transcripts.

XXXII

The conditions of health and medical attention required by petitioners are as follows: Petitioner Lambert is prone to tuberculosis and suffers from migraine headaches and is under the regular care of a physician for that malady. Petitioner Healey suffers from a similar condition. Petitioner Doyle suffers from a pituitary tumor which has required abdominal surgery and deep x-ray therapy. She was recently advised of the existence of a uterine tumor, and has suffered a heart attack and bronchial disorders from these serious organic conditions. Petitioner Yates has a heart condition diagnosed as excessive palpitation, requires regular treatment with medication and use of pheno-barbital, has suffered a collapse of the left side of her lung, and has arthritis in the fingers of one hand and in her knee. Petitioner Stack has a thyroid deficiency, a uterine tumor which requires immediate surgical treatment, and suffers from chronic attacks of tonsillitis. Petitioner Connelly suffers from multiple glandular deficiency and hypertensive heart disease. He is in need of special diet, and frequent medical observation of his blood pressure and fast heart. A more detailed statement of the health conditions of the petitioners is contained in each of their petitions as set forth in the Transcripts.

XXXIII

Petitioners hereby state and represent to this Court that they intend in good faith to remain and that they will remain within the jurisdiction of this Court at all times throughout the prosecution of the proceedings under the indictment and that they do not intend to and will not at any time during such proceedings leave the jurisdiction of this Court without the approval of the Court. Petitioners believe that they are not guilty of the offense charged in the indictment and they intend to vigorously prosecute their defense. Petitioners believe that upon the trial of this

1 indictment herein, they will be entitled to a verdict of not guilty
2 and that a conviction upon the allegations thereof would deprive
3 them of liberties secured to them by the Constitution of the United
4 States.

5 XXXIV

6 Petitioners further aver that when they have on prior
7 occasions been involved in legal proceedings as aforesaid, they
8 have been released on bail, or on their own recognizance (Healey,
9 Steinberg and Fox), and even after conviction and on appeal have
10 always attended all proceedings whenever required. The petitioner
11 Healey was sentenced to 18 months imprisonment after her conviction
12 for contempt as aforesaid and yet was released on bail in the sum
13 of only \$500 pending appeal, which bail was finally exonerated
14 after the conviction was reversed on appeal as aforesaid.

15 XXXV

16 Prior to the arrests herein as aforesaid, the public press
17 had openly reported that Smith Act prosecutions were contemplated
18 soon in various parts of the country including California. Some
19 of the petitioners had been followed by agents of the Federal
20 Bureau of Investigation, had been aware that arrests were pending,
21 but they had made no attempt to leave the area, to avoid detection
22 or to avoid arrest and had at all times intended to be present and
23 defend themselves in any trial which might eventuate. Details
24 of the aforesaid are contained in the petitions set forth in the
25 Transcripts.

26 XXXVI

27 The onerous limitations which are placed upon petitioners
28 in preparing for trial while confined under the excessive bail
29 fixed herein are set forth in the concluding paragraphs of each
30 of the petitions contained in the Transcripts. The wide scope of
31 of the trial under the indictment will include the examination of
32 programs, policies, and ideas embodied in hundreds of books,

1 publications, newspapers and periodicals, the examination of files,
2 records and libraries, the preparation of scores of witnesses,
3 conferences with attorneys and witnesses, the examination and
4 analysis of the record in United States v. Dennis including some
5 600 exhibits, and other multifold tasks required as a result of
6 broad charges contained in this conspiracy indictment. Even if
7 released on reasonable bail, the problems that the petitioners
8 will encounter in preparing for trial on the date set by the
9 District Court will be almost insuperable.

10 XXXVII

11 Your petitioners are wholly unable to furnish bail in the
12 sum of \$50,000 and by virtue thereof all the proceedings hereto-
13 fore had wherein which have confined your petitioners in the County
14 Jail have unlawfully deprived petitioners of liberty and abridged
15 the rights guaranteed petitioners by the Fifth and Eighth Amend-
16 ments to the Constitution of the United States. Exhibits A and B
17 annexed to the petitions contained in the Transcripts and made a
18 part hereof clearly reveal that petitioners have been denied equal
19 justice by the action of the District Court in fixing bail at the
20 grossly excessive sum of \$50,000.

21 XXXVIII

22 Petitioners are advised by counsel that under the Consti-
23 tution petitioners are entitled to bail as a matter of right and
24 that the requirement of excessive bail is a denial of bail. Your
25 petitioners are entitled to freely prepare a defense, to consult
26 with counsel and witnesses, and all of this is denied by the
27 unlawful confinement herein.

28 XXXIX

29 In view of the facts and circumstances hereinabove set forth,
30 petitioners respectfully submit to the Court that petitioners are
31 at the present time unlawfully imprisoned and restrained of their
32

1 liberty; that petitioners' imprisonment and detention are illegal,
2 arbitrary and a denial of rights secured to petitioners by the
3 Constitution of the United States and that bail in the sum of
4 \$50,000 for each petitioner is so excessive and so unreasonable as
5 to constitute an absolute denial of petitioners' rights to bail and
6 petitioners' rights as a matter of due process of law to properly
7 defend themselves against the charges which have been brought
8 against them.

9 XL

10 Your petitioners intend to immediately file an application for
11 writ of certiorari with the United States Supreme Court from the
12 determination of the Court of Appeals for the Ninth Circuit affirm-
13 ing the order of the District Court denying the petitions for writs
14 of habeas corpus. Your petitioners are advised by counsel that on
15 the said application for writ of certiorari the said counsel will
16 urge on petitioners' behalf that the Court of Appeals for the Ninth
17 Circuit has decided an important question of federal law which has
18 not been, but should be, settled by the United States Supreme Court,
19 has decided a federal question in a way probably in conflict with
20 applicable decisions of this Court, has so far departed from the
21 accepted and usual course of judicial proceedings, and so far
22 sanctioned such a departure by a lower court, as to call for an
23 exercise of the United States Supreme Court's power of supervision.
24 Your petitioners are further advised by counsel that the failure
25 to grant their release on reasonable bail under the circumstances
26 herein raises substantial questions of law which justify the grant-
27 ing of reasonable bail pending the application for writ of certiorari

28 XLI

29 So far as the petition herein refers to the personal back-
30 ground and circumstances of the individual petitioners, the peti-
31 tion is verified by each of the petitioners solely with respect to
32 those matters which relate to each of said petitioners. In all

1 other respects, this petition is verified jointly by all petition-
2 ers in their joint behalf.

3 WHEREFORE, petitioners pray this Honorable Court for an order
4 directing their release from the custody of the respondent in such
5 reasonable sum as may be determined by this Court pending the ap-
6 plication for writ of certiorari to the United States Supreme Court
7 from the determination of the Court of Appeals for the Ninth Cir-
8 cuit affirming the order of the District Court denying petitions
9 for writs of habeas corpus filed by petitioners herein, and final
10 determination thereon.

11 DATED: This _____ day of October, 1951.

12
13 Loretta Starvus Stack

14 Al Richmond

15 Philip Marshall Connolly

16 Dorothy Rosenblum Healey

17 Ernest Otto Fox

18 William Schneiderman

19 Carl Rude Lambert

20 Henry Steinberg

21 Olota O'Connor Yates

22 Rose Chernin Kushitz

23 Mary Bernadette Doyle

24 Albert Jason Lima

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

LORETTA STARVUS STACK, AL RICHMOND, PHILIP MARSHALL CONNELLY,
DOROTHY ROSENBLUM HEALEY, ERNEST OTTO FOX, WILLIAM SCHNEIDERMAN,
CARL RUDE LAMBERT, HENRY STEINBERG, OLETA O'CONNOR YATES, ROSE
CHERNIN KUSNITZ, MARY BERNADETTE DOYLE and ALBERT JASON LIMA, being
by me first duly sworn, depose and say: that they are the peti-
tioners in the above entitled cause; that they have read the fore-
going Petition For Bail Pending Application For Writ of Certiorari
and know the contents thereof: and that the same is true of their
own knowledge, except as to the matters which are therein stated
upon their information or belief, and as to those matters that they
believe it to be true.

Loretta Starvus Stack

Al Richmond

Philip Marshall Connelly

Dorothy Rosenblum Healey

Ernest Otto Fox

William Schneiderman

Carl Rude Lambert

Henry Steinberg

Oleta O'Connor Yates

Rose Chernin Kusnitz

Mary Bernadette Doyle

Albert Jason Lima

Subscribed and sworn to before
me this 4th day of October, 1951.

Mary L. Rosenfield
Notary Public in and for said
County and State.

My Commission Expires Jan. 14, 1955